

We strongly oppose the FCC's new Regulation - proceeding #02-278 which modifies the existing rule by now making it illegal to send faxes to accounts, customers and other with whom a business or individual has an existing business relationship, if such fax contains any promotional or advertising language.

In today's world fax communication is an effective and often efficient substitute for phone calls and sending letters through the mail. It is a good way to communicate with those with whom we have a business relationship regarding special events, such as close-outs, new employees, new services or products. These people certainly are not a random group; these people are likely those who would want to know such information. Why then hinder this efficient and effective form of communication?

Normal business flow involves faxes. Our standard fax sheet which is used to regularly communicate vital information about orders, quotes, etc. often contains 'announcements' which we wish to bring to our customer's attention. This is good business and helps small businesses like ours cope with the high cost of mailing; it is certainly not the same thing as mass faxing to purchased fax lists to blanket an area. Why should this be made illegal and hinder the legitimate ways people do business???

We are manufacturers and wholesale distributors. We need to be able to tell our customer base about new services, products, new representatives, liquidation, price changes, special pricing, availability of products, etc. We operate on rather small margins, efficient and effective communication with our customer base is essential. Anything that hinders it will make us less competitive. This pending rule greatly hinders legitimate communication and unreasonably hinders legitimate commerce.

The suggested solution of getting each and every customer to sign original consents to receiving promotional faxes may sound good in theory, but in reality it is a nightmare and effectively kills this form of legitimate business communication. For a small wholesale distributor with a customer data base of over 3,000 accounts, just keeping track of such consents would be absurdly burdensome and expensive. The simple truth is that the 'consent solution' is not a solution at all. No one can afford to comply. Small businesses like ours are already struggling to survive, we do not need yet another expensive bureaucratic rule to deal with.

In any event the problem of sending unwanted advertising to our own customer list is self-regulating: if our advertising offends or in any way annoys any of our customers, we are likely not to get their business. How much more of an incentive does one need not to send annoying and unwanted faxes???

We strongly urge that the Rule be revised to permit faxing of advertising to those with whom the sender has a business relationship.

Sincerely,

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